

ZONING AND ADJUSTMENT BOARD

September 5, 2006

The Zoning and Adjustment Board of Sumter County, Florida, convened on Tuesday, September 5, 2006, at 6:30 P.M. with the following members present: Larry Story – Chairman, Dale Nichols, Marge Thies, Richard Cole Jr., Ron Berry, Rusty Mask, and Dossie Singleton. Todd Brown, Frank Topping, James Sutton, Frank Szczepanski and Evan Merritt were absent. Meredith Kirste - Zoning and Adjustment Board Attorney, Sandy Cassels- Board Secretary, and Bradley Cornelius-Planning Manager, were present. Roberta Rogers-Director of Planning & Development was absent.

Chairman Larry Story called the meeting to order.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the August 7, 2006, meeting. Mr. Nichols seconded the motion and the motion carried.

R2006-0058

C. Gale & John E. Clay

Hobert Clay, representative for the applicant, was present and requesting a rezoning of 5 acres MOL from RR5 to RR1 to complete a lineal transfer. There were ten (10) notices sent. Of the ten (10) notices sent, two (2) were received in objection and none were received in favor. Mrs. Cassels and Mr. Cornelius read the letters of objection into the record. There were no objections from the audience. Mr. Clay explained the south ½ of the property was deeded to his daughter, and the north ½ was deeded to his ex-wife and son. Mrs. Cassels explained the north ½ of the property is for the purpose of the rezoning since the south ½ has the correct zoning classification for the parcel size.

Mr. Nichols made the motion to recommend approval of the rezoning from RR5 to RR1 to the Board of County Commissioners. Mr. Berry seconded the motion and the motion carried.

R2006-0060

Darren & Judy Randall

No one was present for the applicant.

Mr. Nichols made a motion to table this application to the end of the meeting. Mr. Berry seconded the motion and the motion carried.

R2006-0061

Center Hill, LLC & K. Ray Pinkstaff

Mr. Story explained a fax request to withdraw this application had been received by staff.

R2006-0062

Nathaniel & Anna Jameson

Nathaniel Jameson, applicant, was present and requesting a rezoning of 10 acres MOL from A5 to A10 to allow a Class “B” mobile home. There were seven (7) notices sent. Of the seven (7) notices sent, two (2) were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Nichols made the motion to recommend approval of the rezoning from A5 to A10 to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

S2006-0006

Board of Public Institute

Benny Bedenbaugh, representative for the applicant, was present and requesting a minor special use permit for a water plant on 2.4 acres MOL for the City of Bushnell. There were twenty-nine (29) notices sent. Of the twenty-nine (29) notices sent, three (3) were returned in favor and three (3) were returned in objection.

Mrs. Cassels read the letters of objection into the record. Mr. Bedenbaugh explained a water plant will be built that will service the Sumterville business community on this parcel. The letters of notice had stated a water tower, which was in error. Mr. Bedenbaugh explained the Sumter County School Board would like to build an elementary, middle, and high school on this property in the future and would utilize this water plant also. Mr. Bedenbaugh explained different locations in the area had been researched for this plant. The Average Daily Flow (ADF) from the site will be approximately 250 gallons. Joan Tedesco, audience member, asked if this will affect the wells of residences in the area. Mr. Bedenbaugh explained it will not have any effect on residences' wells. Mr. Topping asked Mr. Bedenbaugh how deep this well will be. Mr. Bedenbaugh explained the well will be approximately 250 feet deep. Mr. Nichols made a motion to approve the special use permit. Mr. Cole seconded the motion and the motion carried.

S2006-0007

The New Jewish Congregation

Richard Coen, representative for the applicant, was present and requesting a Special Use Permit for a 6 COP License. There were four (4) notices sent. Of the four (4) notices sent, one (1) was returned in objection and none were returned in favor. Mrs. Cassels read the letter of objection into the record. There were no objections from the audience. Mr. Coen explained the license would allow the Temple to serve alcoholic beverages for events, holidays, and social functions. The request to serve the general public at Bingo games was made, but after speaking with staff, it was removed from the application. Mr. Cornelius explained he spoke to the State Department of Alcohol, Tobacco, and Firearms (ATF) who stated the county makes the final decision to issue a license to a Temple. Mr. Cornelius explained he spoke with Mr. Coen regarding the different types of licenses and made the decision to recommend an 11C – Club liquor license. This type of license would only allow alcohol to be sold and served to the congregation and invited guests.

Mr. Nichols made the motion to approve the Special Use Permit for an 11C – Club license with conditions as recommended by staff. Mr. Cole seconded the motion and the motion carried.

S2006-0009

Marvin Lancaster

Marvin Lancaster, applicant, was present and requesting an amendment to Special Use Permit S2006-0002 to correct the legal description on S6-00-11. There were two (2) notices sent. Of the two (2) notices sent, none were returned in objection or in favor. Mr. Nichols asked Mr. Lancaster why he wanted to reduce the size of the area the cell tower is on. Mr. Lancaster stated he didn't want to tie-up 10 acres if he didn't need to. Mrs. Cassels explained as long as the fall zone for the cell tower would be within 5 acres that would be all he would need.

Mr. Nichols made the motion to approve the amendment to Special Use Permit S2006-0002 to reduce the size of the parcel from 10 acres to 5 acres the telecommunication tower is located on. Mr. Cole seconded the motion and the motion carried.

T2006-0037

Ferman & Barbara Rayborn

Ferman Rayborn, applicant, was present and requesting a renewal of a Temporary Use Permit for three (3) years for a care giver's residence. There were eight (8) notices sent. Of the eight (8) notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Nichols made a motion to approve the renewal of the Temporary Use Permit for three (3) years for a care giver's residence. Mr. Cole seconded the motion and the motion carried.

SS2006-0020

Kecia & Stanley Coburn

Stanley Coburn, applicant, was present and requesting a Small Scale Land Amendment on 2.527 acres from Agricultural to Low Density Residential. There were six (6) notices sent. Of the six (6) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Coburn explained he wants to divide the property into five (5) parcels to sell them or deed to his children.

Mr. Nichols made the motion to recommend approval of the Small Scale Land Use Amendment from Agricultural to Low Density Residential to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0063

Kecia & Stanley Coburn

Stanley Coburn, applicant, was present and requesting a rezoning on 2.257 acres from R1M to R2C. There were six (6) notices sent. Of the six (6) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. This rezoning is related to case SS2006-0020.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0059

Estate of Harrell Stokes

Gregory Jones, representative for the applicant, was present and requesting a rezoning on 2 acres MOL from a non-compliant A5 to RR1. There were six (6) notices sent. Of the six (6) notices sent, two (2) were returned in favor and none were returned in objection. There were no objections from the audience. Mrs. Cassels explained when the application was applied for the proper documentation was presented proving Mr. Jones could represent the estate.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0065

Karl & Beverly Webb

Aimee Webb, representative for the applicant, was present and requesting a rezoning on 4 acres MOL from R1 to RR1. There were five (5) notices sent. Of the five (5) notices sent, two were returned in favor and none were returned in objection. There were no objections from the audience. Mrs. Webb explained the applicants will be deeding the property to Mr. Webb's parents who are unsure if they would like to place a site built home or a mobile home on the property.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0066

Leland Wayne Brown

Lonnie Edwards, representative for the applicant, was present and requesting a rezoning on 0.50 acres MOL from a non-compliant RR1 to CL (Light Commercial) to bring the property into compliance with the Future Land Use Map. There were five (5) notices sent. Of the five (5) notices sent, none were returned in favor or in objection. There were no objections from the audience. Ms. Thies asked Mr. Edwards what the plans for the existing mobile home on the property were. Mr. Edwards explained the plans were to remove it from the property.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-00067

Patrick T. Gallacher

Patrick Gallacher, applicant, and James Wade, representative for the applicant, were present and requesting a rezoning on 2.27 acres MOL from a non-complaint A5 to RR1C. There were five (5) notices sent. Of the five (5) notices sent, none were returned in favor or in objection. There were no objections from the audience. Mr. Wade explained this is a vested parcel that had been split from another vested parcel, in which part of the parcel had been rezoned with this part not being rezoned in 1981.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

S2006-0008

Spring's River Ranch

Donald & Alma Martin, representatives for the applicant, were present and requesting a Minor Special Use Permit on 20 acres MOL for three (3) RV sites to be used as part of a horse training facility. There were five (5) notices sent. Of the five (5) notices sent, six (6) were returned in objection and none were returned in favor. Mrs. Cassels and Mr. Cornelius read the letters of objections into the record. Mr. Martin explained they purchased the property to be utilized as a horse training facility, which it had been previously. Mr. Martin also explained they are part of the Minnesota Horse Training Facility which can only operate in the summer months, so they would like to be able to operate in the winter months at this location. Mr. Martin stated the RV sites would not be leased to anyone other than the students at the horse training class since they need to be with the horses 24/7 for the duration of the course. Mr. Topping requested counsel to explain the Zoning and Adjustment Boards (ZAB) position regarding deed restrictions. Ms. Kristie explained the ZAB doesn't enforce deed restrictions. They are a matter the property owners and/or home owner association must enforce, and if they need to, they can consult with legal counsel to assist with the enforcement. Mr. Martin stated he looked at the title insurance before purchasing the property and doesn't feel his property is covered under the deed restrictions. Mr. Topping asked if this would be a year round operation. Mr. Martin stated the operation would be during the months of January, February, March, and April. Mr. Topping asked how many people are in each class. Mr. Martin explained the ideal class size is ten (10) to fifteen (15) people. Mr. Nichols asked if there were going to be five (5) people per RV. Mr. Martin stated the RV's would only be used by the owner of the RV, and some of the people coming to the course would be local people, therefore they wouldn't require a RV. Mr. Martin also stated some of the students would bring their families with them. Mr. Martin also stated there is an apartment on the property which was there when he purchased the property and later found out it was built without a permit. Mr. Martin stated he would like to utilize the apartment after it is permitted and approved for occupancy. Mr. Cornelius stated there is a Code Compliance case on this property involving the apartment, which is being handled by the Code Compliance department. Mr. Berry asked if some of the students are from out of state. Mr. Martin explained some of the students do come from out of state. Mr. Berry explained he used to "cut horses" himself, and when he would travel out of state, he would stay at a local hotel/motel. Mr. Martin stated the students in this type of course need to be at the location with the horses to feed and clean the horses also. Mr. Martin also stated he has made arrangements with the Best Western and Micro Tel to house the students, but could charge the students less if he was able to house them on the property. Mr. Story suggested renting a house for the students. Mr. Cornelius explained this property does not fit the minimum criteria for a RVPUD, does not meet the requirements for a Temporary Use Permit for a care giver or care receiver, nor does it meet the regulations for an Accessory Use for a RV as that will only allow the use of a RV for five (5) days in a sixty (60) day period. Mr. Martin asked if the Accessory Use for a RV allows fifty (50) RV's for motor cross. Mr. Heine, audience member, stated he was the person who had the RV's in his pasture and there were actually only four (4) present for one (1) weekend while the kids "played around" on their motor cross bikes. Mr. Topping made the motion to deny this request for a Minor Special Use Permit to allow three (3) RV sites to be used in a horse training facility based on the staff analysis. Mr. Nichols seconded the motion and the motion carried.

R2006-0060

Darren & Judy Randall

Ms. Thies made a motion to remove this application from the table. Mr. Berry seconded the motion and the motion carried.

Darren & Judy Randall, applicants, were present and requesting a rezoning on 0.35 acres MOL from a non-compliant A1 to R4C on a vested parcel of record. There were seven (7) notices sent. Of the seven (7) notices sent, none were returned in favor or in objection. There were no objections from the audience. Mrs. Cassels explained how this parcel was created and stated the applicants had been to Environmental Health to make sure they would be permitted to have a septic tank.

Mr. Nichols made a motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

Public Forum

Lita Hart, department head for Parks and Recreation, was present and requesting to recommend approval to the Board of County Commissioners a grant application for Royal Park located at 9569 CR 235, Wildwood, FL. Mrs. Hart explained the grant will cover resurfacing the basketball courts, new lighting for the basketball courts, a picnic facility, signage/monument, pre-school playground equipment and consultant fees with no matching funds required of the County.

Mr. Cole recommended this Grant Application be forwarded to the Board of County Commissioners for approval. Mr. Nichols seconded the motion and the motion carried.

Mr. Nichols asked if deed restriction questions could be cleared up before the cases are brought to the ZAB. Ms. Kirste stated she will check into the matter. Mr. Cole asked if property owners would be able to afford to hire attorneys for this purpose.

Mr. Cornelius explained to the ZAB the Board of County Commissioners is considering implementing new guidelines for lineal transfers at their September 12, 2006 meeting.

Mr. Berry made a motion to adjourn the meeting at 8:10 pm. Mr. Cole seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board